

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOHN W. HOWLEY, M.D.**

4 Holder of License No. 22390
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-09-1285A

**ORDER FOR SURRENDER OF LICENSE
AND CONSENT TO SAME**

7 John W. Howley, M.D. ("Respondent") elects to permanently waive any right to a hearing
8 and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of the
12 practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 22390 for the practice of allopathic
14 medicine in the State of Arizona.

15 3. On June 9, 2006, Respondent entered into a Consent Agreement for Letter of
16 Reprimand and Probation ("Agreement"). Pursuant to the terms of the Agreement, Respondent
17 was required to participate in the Board's Monitored Aftercare Program (MAP). The Agreement
18 also prohibited Respondent from consuming alcohol or any food containing alcohol. On October
19 12, 2009, the Board received notification from the Board's Addiction Medicine Consultant (AMC)
20 that on October 7, 2009, Respondent's witnessed biological fluid test was positive for
21 EthylGlucuronide, a metabolite of ethyl alcohol, at a level of 264949 ng/mL. Respondent denied
22 that he had consumed alcohol and the specimen was retested by the Southwest Laboratories and
23 reconfirmed as positive. On October 13, 2009, Respondent signed an Interim Order for Practice
24 Restriction and Consent to Same.
25

4. On November 20, 2009, Respondent completed a chemical dependency evaluation at Talbott Recovery Campus. Respondent was diagnosed with alcohol dependence and alcohol relapse and the evaluation facility recommended that Respondent enter residential treatment at a facility for healthcare professionals. The AMC concurred with the evaluation facilities' diagnosis and recommended that Respondent complete both a long term residential treatment program and document five years of abstinent recovery status prior to requesting that the Arizona Medical Board restore his license to practice medicine.

5. On January 27, 2010, Respondent's Letter of Reprimand and MAP Probation was terminated Respondent no longer qualified for participation in the Monitored Aftercare Program pursuant to the terms of the Order. The Order states that, "in the event of chemical dependency relapse by Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall be REVOKED. Respondent agrees to waive formal hearing on the revocation. In the alternative, Respondent may SURRENDER HIS LICENSE if he agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G)".

6. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant A.R.S. §32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.").

7. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(f) (“[h]abitual intemperance in the use of alcohol or habitual substance abuse.”).

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

1 4. The Order is not effective until approved by the Board and signed by its Executive
2 Director.

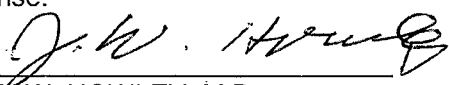
3 5. All admissions made by Respondent are solely for final disposition of this matter
4 and any subsequent related administrative proceedings or civil litigation involving the Board and
5 Respondent. Therefore, said admissions by Respondent are not intended or made for any other
6 use, such as in the context of another state or federal government regulatory agency proceeding,
7 civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

8 6. Upon signing this agreement, and returning this document (or a copy thereof) to the
9 Board's Executive Director, Respondent may not revoke the consent to the entry of the Order.
10 Respondent may not make any modifications to the document. Any modifications to this original
11 document are ineffective and void unless mutually approved by the parties.

12 7. This Order is a public record that will be publicly disseminated as a formal
13 disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on
14 the Board's web site as a disciplinary action.

15 8. If any part of the Order is later declared void or otherwise unenforceable, the
16 remainder of the Order in its entirety shall remain in force and effect.

17 9. If the Board does not adopt this Order, Respondent will not assert as a defense that
18 the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar
19 defense.

20 
21 JOHN W. HOWLEY, M.D.

Dated: 4-5-10

22 EXECUTED COPY of the foregoing mailed by
23 US Mail this 15th day of April, 2010 to:

24 Louis M. Diesel
25 123 N. San Francisco, Suite 300
Flagstaff, Arizona 86001

1 ORIGINAL of the foregoing filed this
2 5th day of April, 2010 with:

3 The Arizona Medical Board
4 9545 East Doubletree Ranch Road
5 Scottsdale, AZ 85258

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Arizona Medical Board Staff